



December 1, 2014

Governor Mark Dayton

Sen. Dan Sparks, Sen.Dan.Sparks@senate.mn
Jobs, Agriculture and Rural Development Committee

Sen. David Tomassoni, Sen.David.Tomassoni@senate.mn
Environmental, Economic Development and Agriculture Division

Sen. Gary Dahms, Sen.Gary.Dahms@senate.mn
Jobs, Agriculture and Rural Development Committee

Rep. Jean Wagenius, Rep.Jean.Wagenius@house.mn
Environmental, Economic Development and Agriculture Division

Rep. Jeanne Poppe, Rep.Jeanne.Poppe@house.mn
Agriculture Policy Committee

Rep. Rod Hamilton, Rep.Rod.Hamilton@house.mn
Agriculture Policy Committee

Mr. Greg Hubinger, Director
Legislative Coordinating Commission, lcc@lcc.leg.mn

Ms. Michelle Timmons, Revisor
Minnesota Revisor of Statutes, revisor@revisor.mn.gov

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by Minnesota Statutes, section 14.05, subdivision 5

Dear Governor Dayton, Senators, Representatives, Revisor Timmons, Director Hubinger:

Minnesota Statutes, section 14.05, subd. 5, directs the Minnesota Department of Agriculture (MDA) to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

MDA has reviewed its rules and found that the following rules are or have become obsolete, unnecessary, or duplicative over the course of the last year. Our timetable for completing these rulemakings is by the end of 2016 through application of *Minnesota Statutes* 14.47 Subd. 6(b) or through the process outlined in *Minnesota Statutes*, 14.3895, whichever is appropriate.

1. 1505.3070 Subpart 1 B. (2) states; *"The area must be sloped to a sediment trap used only for the temporary collection of spilled or released pesticides. The sediment trap may not be greater than two feet deep or hold more than 109 U.S. gallons."* MDA plans to remove the section of the rule that states, *"or hold more than 109 U.S. gallons"* because the rule requirement is unnecessary. This specific amount rule requirement is arbitrary and not based on any industry standards, it is not based on any state or federal law, it is overly restrictive to industry, and does not

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provide the adequate flexibility required for secondary containment/sediment trap designs. MDA will address this rule change through use of the process provided by *Minnesota Statutes*, section 14.3895.

2. 1510.0340 -1510.0360 contain seed labeling document templates. The templates provided in these rules are obsolete. There are now many different ways for seed producers to meet the seed labeling statutory requirements of *Minnesota Statutes* 21.82. MDA no longer finds it constructive to limit seed label layout options in agency rules. MDA will address this rule change through use of the process provided by *Minnesota Statutes*, section 14.3895.

3. 1510-0161 covers an exemption for Kentucky bluegrass from the ten percent inert matter limitation in grass seed that was contained in *Minnesota Statutes* 21.82 Subd. 5 paragraph (a). The statutory language referred to in the rule no longer exists. MDA plans to address this through the application of *Minnesota Statutes* 14.47 Subd. 6(b).

Status of obsolete rules identified in the Minnesota Department of Agriculture's 2013 Obsolete Rules Report.

No action was taken the obsolete rules identified in MDA's 2013 Obsolete Rules Report. Repeal of both 1562.0100 C and 1562.0300 are still in the planning stages.

If you have any questions regarding this report, please contact Luis Rivera, MDA Administrative Rules Coordinator (651-201-6435 or luis.rivera@state.mn.us).

The cost of preparing this report.

In compliance with *Minnesota Statutes* 3.197, the cost of preparing this report is as follows: Staff cost: \$1,000. This includes time for review of rules, customer research and the time to complete the report.

Sincerely,

Jim Boerboom
Deputy Commissioner